

BOISE, TUESDAY, MARCH 15, 2022, AT 10:30 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47388

STATE OF IDAHO,)
)
Plaintiff-Respondent,)
)
v.)
)
JESSICA LEE COLPITTS,)
)
Defendant-Appellant.)
_____)

Appeal from the District Court of the Second Judicial District, State of Idaho, Clearwater County. Hon. Gregory FitzMaurice, District Judge.

Eric D. Fredericksen, State Appellate Public Defender; Sally J. Cooley and Andrea W. Reynolds, Deputy Appellate Public Defenders, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

The victim was fatally shot in the abdomen at her residence. A source informed law enforcement that Jessica Colpitts was upset after learning the victim was in a romantic relationship with Colpitts' boyfriend; Cassie Madsen drove Colpitts to and from the victim's residence; while at the victim's residence, Colpitts shot the victim. The State charged Colpitts with first degree murder.

During trial, the State sought to admit audio recordings of telephone calls Colpitts' boyfriend, who was in jail, made from jail to Colpitts. Third-party telephone communication services, which the jail retained to provide inmate telephone services, recorded these calls. The district court admitted the recordings overruling Colpitts' foundation objections.

Colpitts also requested that the district court instruct the jury that Madsen was an accomplice. The court, however, concluded "a reasonable view of the evidence" prevented the court from finding Madsen was an accomplice as a matter of law. As a result, the court instructed the jury to determine whether Madsen was an accomplice.

The jury convicted Colpitts of first degree murder. On appeal, Colpitts argues the district court abused its discretion in admitting the recordings and committed prejudicial error in declining to instruct the jury that Madsen was an accomplice as a matter of law.